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79646 7590 01/11/2012 Weaver Austin Villeneuve & Sampson LLP - IGT Attn: IGT P.O. Box 70250 Oakland, CA 94612-0250			EXAMINER BUMGARNER, MELBA N	
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* ALEXEY KRYUCHKOV, ROBERT R. BRECKNER,  
GREGORY A. SCHLOTTMANN, JOHNNY PALCHETTI, and  
STEVEN G. LEMAY

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Appeal 2009-014744  
Application 10/674,884  
Technology Center 3700

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Before ANTON W. FETTING, JOSEPH A. FISCHETTI, and BIBHU R.  
MOHANTY, *Administrative Patent Judges*.

MOHANTY, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF THE CASE

The Appellants seek our review under 35 U.S.C. § 134 (2002) of the final rejection of claims 39, 41-45, 48-66, and 75-90 which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

## SUMMARY OF THE DECISION

We REVERSE.

## THE INVENTION

The Appellants' claimed invention is directed to gaming machines such as slot machines and video poker machines used for displaying game presentations (Spec. 1:14-17). Claim 1, reproduced below, is representative of the subject matter on appeal.

39. In a gaming machine including a master gaming controller, a display device and a memory device, a method of generating a game of chance, the method comprising:

- receiving a wager for the game of chance controlled by the master gaming controller on the gaming machine wherein the gaming machine is capable of receiving indicia of credit for the wager from an input device coupled to the gaming machine and outputting indicia of credit from an output device coupled to the gaming machine;

- determining randomly a final state on each of a plurality of virtual reel strips; for each virtual reel strip,

- a) determining a sequence of symbols to display from the virtual reel strip wherein each of the sequence of symbols comprises at least one of i) a number of symbols prior to the final state on the virtual reel strip; ii) a number of symbols after the final state on the virtual reel strip; or iii) combinations thereof;

- b) drawing the sequence of symbols over time on a surface comprising a planar rectangular surface or a curved portion of an

outside of a cylinder defined in a 3-D gaming environment, said drawing comprising;

i) generating at least one of the planar rectangular surface or the curved portion of the outside of the cylinder at a first position in the 3-D gaming environment; wherein the planar rectangular surface or the curved portion of the outside of the cylinder is divided into a number of segments and wherein the number of segments is less than a total number of segments associated with the virtual reel strip;

ii) selecting a first subset of symbols from the sequence of symbols to draw in the segments of the planar rectangular surface or the curved portion of the outside of the cylinder;

iii) drawing the first subset of symbols in the segments of the planar rectangular surface or in the segments of the curved portion of the outside of the cylinder;

iv) moving the planar rectangular surface or the curved portion of the outside of the cylinder including the first subset of the sequence of symbols from the first position to a second position in the 3-D gaming environment

v) generating the planar rectangular surface or the curved portion of the outside of the cylinder at the first position in the 3-D gaming environment;

vi) selecting a second subset of symbols from the sequence of symbols to draw in the segments of the planar rectangular surface or the curved portion of the outside of the cylinder;

vii) drawing the second set of symbols in the segments of the planar rectangular surface or the segments of the curved portion of the outside of the cylinder a second subset of the sequence of symbols;

viii) moving the planar rectangular surface or the curved portion of the outside of the cylinder including the second subset of the sequence of symbols from the first position to the second position in the 3-D gaming environment; wherein the first subset and the second subset are defined so that when a plurality of 2-D images are rendered from the 3-D gaming environment to capture the movements of the planar rectangular surface or the curved portion of the outside of the cylinder are viewed on the display screen, the symbols drawn on the planar rectangular surface or drawn on the curved portion of the outside of the cylinder appear to enter and to leave the display screen in an order specified by the sequence of symbols determined for each virtual reel strip; rendering the plurality

of two-dimensional (2-D) images comprising the surfaces drawn with the symbols from the virtual reel strips as a game outcome presentation for the game of chance wherein information used to generate the surfaces and the 3-D gaming environment is stored in the memory device on the gaming machine; and displaying the one or more rendered 2-D images to the display device on the gaming machine wherein the 2-D images display the sequence of symbols from each of the virtual reel strips.

### THE REJECTIONS

The Examiner relies upon the following as evidence in support of the rejections:

Gauselmann	US 2004/0048657 A1	Mar. 11, 2004
Abbott	US 7,179,166 B1	Feb. 20, 2007
Ellis	WO 02/32521 A1	Oct. 16, 2001

The following rejections are before us for review:

1. Claims 39, 41-45, 48-50, 54-57, 60-64, 66, 75-84, and 86-90 are rejected under 35 U.S.C. § 102(e) as anticipated by Ellis.
2. Claims 51-53, 58-59, 65, and 85 are rejected under 35 U.S.C. § 103(a) as unpatentable over Ellis and Gauselmann.
3. Claim 60 is rejected under 35 U.S.C. § 103(a) as unpatentable over Ellis and Abbott.

### THE ISSUES

With regards to claim 39 and its dependent claims the issue turns on whether Ellis discloses the argued claim limitations from “step b” directed to “selecting” and “drawing” a second set of symbols after moving the game cylinder. The remaining claims turn on a similar issue.

### FINDINGS OF FACT

We find the following enumerated findings of fact (FF) are supported at least by a preponderance of the evidence and additional findings of fact may appear in the Analysis section below:<sup>1</sup>

FF1. Ellis has disclosed an electronic game for a computer or slot machine (Title).

FF2. Ellis discloses that the game displays icons, symbols, numbers, or the like in rows and columns that are initially in two dimensions and spin in response to a command and transform to a three dimensional display (Abstract).

FF3. Ellis in Fig. 2 shows a game screen 5 with a plurality of symbols in rows and columns. Columns 9, 10, and 11 can rotate in a vertical plane and morph from a two-dimensional to a three-dimensional state. (Fig. 2 and page 8, second paragraph).

FF4. Ellis in Fig. 2 and at Page 8, paragraph 2 does not disclose that the first symbols in the game screen rows and columns then have a second set of symbols selected and drawn after moving the first symbols in a rotation manner on the screen.

### ANALYSIS

The Appellants argue that the rejection of claim 39 is improper because the claim 39 “recite[s] features related to (1) generating a virtual slot reel at a first position with a first set of symbols, (2) moving the virtual of slot reel to a second position, (3) generating a virtual slot reel again at the

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<sup>1</sup> See *Ethicon, Inc. v. Quigg*, 849 F.2d 1422, 1427 (Fed. Cir. 1988) (explaining the general evidentiary standard for proceedings before the Patent Office).

first position with a second set of symbols, and (4) moving the virtual slot reel again to the second position” which is not shown by Ellis (Br.10-15).

In contrast, the Examiner has determined that Ellis discloses the recited features at Fig. 2 and Page 8, paragraph 2 (Ans. 4, 8).

We agree with the Appellants. Claim 39 requires in step “b,” section “ii”, the requirement for “selecting a first subset of symbols from the sequence of symbols to draw in...the planar rectangular surface or the curved portion of the outside of the cylinder.” In latter step “b,” section “iv”, it is required that “moving” of the cylinder takes place including the first subset of symbols. In the latter step “b,” section “vi” and “vii” there is a requirement for selecting a second subset of symbols, and then drawing them on the cylinder in a specific manner.

Ellis at Fig. 2 and at Page 8, paragraph 2 does not disclose this claimed sequence (FF4) and the rejection of record is therefore not sustained. While Ellis does show a similar computer game in which symbols are rotated (FF2, FF3) there is no specific disclosure that a second set of symbols are selected and drawn as claimed and argued in the Appellants Brief at pages 10-15.

While we agree with the Examiners finding that Ellis shows a number of segments “less than a total number of segments (fig. 2)” (Ans. 4) the reference is silent as to when the segment symbols are selected and it is not clear from the reference whether “a second set” of symbols is selected in the claimed timing sequence with the claimed “moving” steps. The Examiner has further argued that the two dimensional symbols after spinning become a second set of three dimensional symbols and that this meets the argued claim

limitation (Ans. 4, 8). We disagree because these are really the same symbols simply displayed in another format.

Further, the claim specifically requires after the first “moving” step the further step of “selecting” the second subset of symbols which is not shown using Ellis since the same symbols are used in the three dimensional view and a selection of “a second subset of symbols from the sequence of symbols” has not been shown. For these reasons the rejection of claim 39 and its dependent claims is not sustained. Claim 75 contains similar limitations and the rejection of this claim and its dependent claims is not sustained for these same reasons.

#### CONCLUSIONS OF LAW

We conclude that Appellants have shown that the Examiner erred in rejecting: claims 39, 41-45, 48-50, 54-57, 60-64, 66, 75-84, and 86-90 under 35 U.S.C. § 102(e) as anticipated by Ellis; claims 51-53, 58-59, 65, and 85 under 35 U.S.C. § 103(a) as unpatentable over Ellis and Gauselmann; and claim 60 under 35 U.S.C. § 103(a) as unpatentable over Ellis and Abbott.

#### DECISION

The Examiner’s rejection of claims 39, 41-45, 48-66, and 75-90 is reversed.

#### REVERSED

JRG